

REMARKS

Claims 1 to 4, 7 to 10, 13 to 16 and 19 to 24 are now pending and being considered in this application (since claims 5, 6, 11, 12, 17 and 18 were previously withdrawn in response to a restriction requirement).

It is respectfully submitted that all of the presently pending and considered claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for acknowledging acceptance of the Drawings, and for acknowledging that certified copies of the of the priority documents have been received.

Claims 1, 3, 7, 9, 13, 15, 19, 21 and 23 were rejected under 35 U.S.C. § 103(a) as anticipated by Cox al., U.S. Patent No. 5,915,027 in view of Tewfik et al., U.S. Patent No. 5,915,027, and in view of the Background Information (which the Office characterizes as “Applicants Own Admitted Art”).

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *See KSR Int’l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

In the Final Office Action, Tewfik -- a newly cited reference for which withdrawal of the finality of the present Office Action is respectfully requested -- does not disclose nor suggest the claim feature (*as in claim 1 and each of the other corresponding independent claims*) of “obtaining a complexity of said block data by performing a Wavelet transform” (see Final Office Action at page 4). The Tewfik reference refers to “[t]ransform based watermarking techniques have also been proposed in the art”, and that to “embed a watermark, a transformation is applied to the host data, and modifications are made to the transform coefficients”, where “[p]ossible image transformations include the FFT, discrete cosine transform (DCT), wavelet, subband, Hadamard, and others” (col. 5, line 66 to col.6, line 4).

The Tewfik reference further states: “Another watermarking scheme proffers a codeword that is generated and used to modulate selected coefficients of the DCT or wavelet transform of a block in an image” (col. 6, lines 14-16). Also, Tewfik refers to a dual watermark approach for embedding watermark W1 into original signal in accordance with an amenable watermarking scheme and embedding watermark W2 into the original signal in which W1 has already been embedded, and discusses a checking method for the embedded watermark (col.7, lines 5-50). Finally, Tewfik refers to a dependent watermarking scheme using two random keys (col.7, line 51 to col.8, line 64).

Regarding the claim feature of “obtaining a complexity of said block data by performing a Wavelet transform”, Tewfik only refers to a “[w]avelet transform” as an example of a scheme for image transformation for watermarking, and it therefore does not disclose nor suggest the feature of “obtaining a complexity of said block data by performing a Wavelet transform”, as provided for in the context of the presently claimed subject matter.

As to claim 3 and its corresponding independent claims, the Final Office Action conclusory assertion (at pages 5 and 6), the Tewfik reference does not disclose nor suggest the claim feature in which “said quantization” is “obtained based on difference values of frequency coefficients, obtained by using orthogonal transform, between block data of original image data and block data that is obtained by manipulating said block data of said original image data with said manipulation method”, as provided for in the context of the

presently claimed subject matter, as any review of the reference (including the cited sections) makes plain.

In view of the foregoing, it is believed and respectfully submitted that Tewfik does not disclose nor suggest the foregoing claim features. The Final Office Action simply cites some portions in Tewfik, but it does not explain – since it cannot -- in any way exactly how the cited text supposedly discloses the above-discussed claim features of claim 1 and 3.

Accordingly, claims 1 and 3, as presented, are allowable, as are their respective dependent claims 2 and 4.

Claims 7, 13 and 19 also include features like those of claim 1, and they are therefore allowable for essentially the same reasons as claim 1, as are their respective dependent claims 8, 14 and 20.

Claims 9, 15, 21 and 23 also now include features like those of claim 3, and they are therefore allowable for essentially the same reasons as claim 3, as are their respective dependent claims 10, 16, 22, and 24.

Claims 2, 4, 8, 10, 14, 16, 20, 22 and 24 were rejected under 35 U.S.C. § 103(a) as obvious over Cox et al. in view of Ho et al., U.S. patent No. 6,983,057, and in view of the Background Information (which the Office characterizes as “Applicants Own Admitted Art”), and in view of Tewfik et al., U.S. Patent No. 5,915,027, and Ho et al., U.S. Patent No. 6,983,057.

Regardless of the proper characterization of the Background Information, the following is respectfully submitted:

As explained above, claims 1 and 3 are allowable, as are their respective dependent claims 2 and 4, since the foregoing features are nowhere disclosed nor suggested by the Cox reference.

Also, as to the secondary Ho reference, it merely refers to zigzag scanning and statistical analysis for transform coefficients using a threshold value (column 7, line 45 to column 8, line 49), and therefore does not disclose nor in any way suggest the claim feature (like in claim 4) of “said quantization width being obtained . . . based on difference values of frequency coefficients, obtained by using orthogonal transform, between block data of

original image data and block data that is obtained by manipulating said block data of said original image data with said manipulation method”, as provided for in the context of the presently claimed subject matter.

Claims 7, 13 and 19 are allowable for essentially the same reasons as claim 1, as are their respective dependent claims 8, 14 and 20.

Also, claims 9, 15, 21 and 23 include features like those of claim 3, and they are therefore allowable for essentially the same reasons as claim 3, as are their respective dependent claims 10, 16, 22, and 24.

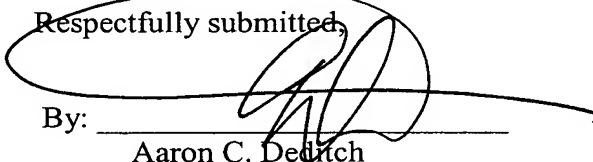
In short, claims 2, 4, 8, 10, 14, 16, 20, 22 and 24 respectively depend from their respective base claims, as presented, and are therefore allowable for essentially the same reasons as their respective base claims, as explained above, since any secondary references and the Background Information does not cure – and is not asserted to cure – the critical deficiencies of the primary Cox reference.

As further regards all of the obviousness rejections, any Official Notice is respectfully traversed to the extent that it is maintained and it is requested that the Examiner provide specific evidence to establish those assertions and/or contentions that may be supported by the Official Notices under 37 C.F.R. § 1.104(d)(2) or otherwise. In particular, it is respectfully requested that the Examiner provide an affidavit and/or that the Examiner provide published information concerning these assertions. This is because the § 103 rejections are apparently being based on assertions that draw on facts within the personal knowledge of the Examiner, since no support was provided for these otherwise conclusory and unsupported assertions. (See also MPEP § 2144.03).

Accordingly, pending and considered claims 1 to 4, 7 to 10, 13 to 16 and 19 to 24 are allowable.

CONCLUSION

It is therefore respectfully submitted that pending and considered claims 1 to 4, 7 to 10, 13 to 16 and 19 to 24 are allowable. It is therefore respectfully requested that the rejections (and any objections) be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Dated: 5/19/2009 Respectfully submitted,
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